

Amendments to the Drawings:

Applicant submits herewith Replacement Drawings to overcome the Examiner's objection regarding the "handwritten notations" for Figures 2-8.

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Official Action of March 5, 2008. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

The drawings previously stood objected to for containing handwritten notations. In response, corrected formal drawings were previously prepared but apparently were not received by the Examiner. In response, the formal corrected drawings are resubmitted herewith. As a result, this objection is considered overcome.

Claims 1, 5-17, 21, 28-42, 51, and 58-78 stand rejected under 35 USC 103(a) as being unpatentable over Vivona in view of Almog et al. Claims 2-4, 22-27, 46, 48-50, 52-57, and 76-78 stand rejected as unpatentable over Vivona and Almog et al. further in view of Davis. Also, claims 18, 19, 43, 44, 73 and 74 stand rejected as unpatentable over Vivona and Almog et al. further in view of Davis and PR Newswire, while claims 20, 45 and 75 stand rejected as obvious further in view of Knapp. By this amendment, claims 17-20, 26, 27, 42-50, 56, 57, 72-78, and 81-82 are cancelled. More importantly, independent claims 1, 21, and 51 are hereby amended to clarify the present invention over the prior art. No new matter has been added. As a result, and for the reasons set forth below, it is believed that independent claims 1, 21, and 51 are patentable over the combination of Vivona and Almog et al.

Independent claims 1, 21 and 51 have been amended to require an employment salary database having current salary data with associated skill data wherein the current salary data includes both job listings and employment histories from resumes. Further, these independent claims have been amended to recite a ticker adapted to

display salary information associated with the skill and a skill level, including the skill level itself, a current direct labor hourly rate, a high direct labor hourly rate, a low direct labor hourly rate, an amount of change in said current direct labor hourly rate from a previous direct labor hourly rate, a markup amount of fees charged by the employment agency as a percentage of the direct labor hourly rate, a current hourly bill rate that includes the markup amount, and an amount of change in said current hourly bill rate from a previous hourly bill rate.

Newly amended independent claims 1, 21, and 51 are not rendered obvious by the combination of Vivona and Almog et al. for the following reasons. First, the present claims require a ticker to display a variety of salary information associated with at least one specific skill and a skill level, wherein the displayed salary information includes a markup amount of fees charged by the employment agency as a percentage of the direct labor hourly rate. No prior art cited by the Examiner suggests this combination of salary information. The Examiner cites Knapp for disclosing the fact that agencies mark up hourly rates. However, Knapp does not teach determining markup amounts based on skill and skill level data and generating a ticker showing the markup amount with other important skill level based salary information. Further, Knapp does not even suggest the idea of, nor any reason for, displaying such information. Moreover, neither Vivona nor Almog et al. suggests a system or method for determining and displaying a markup amount, and certainly not a markup amount based on skill and skill level data. More importantly, for argument's sake, even if one were to combine the broad idea that agencies mark up hourly rates, as suggested by Knapp, with the systems of Vivona and Almog et al., the resulting system would not generate markup amounts, nor other salary information, based on skill and skill level data. Each of the independent claims requires a ticker displaying specific salary information, including agency markups, based on a specific skill and a skill level. The Examiner admits Vivona is silent as to skill level based salary information while Almog et al. discloses an entry field for a user to enter a level

associated with "other skills". However, Almog et al. only suggests this "level" entry as it relates to "other" skills and does not suggest the use of a skill level indicating the level of experience and/or expertise with respect to the specific skill on which a functional skill matched data set of employment salary information is based. There is no reason to believe a person of ordinary skill in this art would be motivated or taught by Vivona, Almog et al. and/or Knapp or Davis, and/or even the Examiner's own hindsight reasoning, to generate and display markup amounts based on a skill and a skill level.

The present system, method and storage medium, as recited in independent claims 1, 21, and 51 generates and displays a combination of skill and skill level based salary information not disclosed or even suggested by any combination of cited prior art references. First, as discussed above, the employment salary information, including markup data, is both skill and skill level based. Second, the present invention does not use the conventional survey data but instead uses current salary data including both job listings and employment histories from resumes. Applicant recognized that survey data suffers from various disadvantages including being outdated even before it is publicly available for use, and, importantly, requiring the person completing the survey to select from specific predefined job descriptions/titles. Applicant realized employment data could be improved by using both job listings and employment histories from resumes. Vivona discloses the use of only job listings while Almog et al. only discloses the entry of information via a Web page arranged like a CV. However, there is no teaching, motivation or suggestion to combine these two distinct approaches. The Examiner's stated motivation of "providing an additional source of compensation information" is baseless. The Examiner is using hindsight reconstruction of the invention. Nowhere do Vivona and Almog et al. suggest the desirability of another source. In fact, Vivona specifically suggests using fewer sources: "Though multiple newspapers may be selected to form a source..." (Col. 6, lines 16-19). Therefore, it

is Applicant's contention that Vivona teaches away from using multiple sources to avoid redundancy, and that a person of ordinary skill in the art would not be motivated to look outside the Vivona teaching to combine yet another source of data for the Vivona system. Such a combination would deviate from, and be incongruent with, the explicit teaching of Vivona. Third, no references or combinations of references suggest the combination of displayed employment salary information in a single display where all the employment salary information is based on a skill and a skill level. By generating the employment salary information based on a skill and a skill level and combining all the recited employment salary information in a ticker displaying the salary information, including the skill level based markup amount, in one location, the system and method of the invention create an enhanced people stock exchange, providing users with a unique collection of skill and skill level based information that is more beneficial in evaluating employment decisions.

Therefore, without knowledge of Applicant's invention, there is no reason to believe that a person of ordinary skill in this art would find it obvious to combine the cited prior art in such a manner, and implement a system and method for generating salary information in such a manner, so as to arrive at Applicant's invention as recited in the newly amended independent claims.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 21, and 51 under 35 USC 103(a) are in order and respectfully requested. Also, Applicant respectfully submits that dependent claims 2-12, 13-16, 22-25, 28-41, 52-55, 58-71, 79 and 80 are allowable in that, at least, they depend from what are now believed to be allowable base claims 1, 21, and 51.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,

/Tim L. Brackett Jr./

Tim L. Brackett, Jr.

Registration No. 36,092

STUDEBAKER & BRACKETT PC

1890 Preston White Drive, Suite 105

Reston, Virginia 20191

Tel: 703-390-9051

Fax: 703-390-1277

Date: **May 30, 2008**